THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2997 OF 2006

DATED:24.2.2006

Between:

S. Narasimha Gupta and another

…Petitioners

And

The District Collector, Kadapa District

and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2997 OF 2006

ORDER:

The first petitioner claims to be owner of land a total extent of Acs.8.32 in S.Nos.646/1 (Acs.1.23), 646/2 (Acs.0.25), 646/3 (Acs.0.88), 646/4 (Ac.1.00), 647/2 (Acs.0.51), 647/3 (Acs.1.84), and 648 (Acs.2.61), of Mamillapalle Village, Chinta Komma Dinne Mandal, Kadapa District, and second petitioner claims to be owner of land a total extent of Acs.10.84 in S.Nos.642 (Acs.0.58), 643 (Acs.4.32), 644 (Acs.0.24), 645 (Acs.0.95), 647/1 (Acs.0.58), 649 (Acs.3.62), 651/1 and 647/1 (Acs.0.55) of same village. It is their case that they obtained necessary passbooks in 1988 for total extent of Acs.8.00 and developed as plots and sold some of the plots to various persons as house sites. However, one Dastagiri Saheb is openly declaring that he is going to sell plots comprised in S.Nos.642, 644 and 646/1.

Therefore, the Power of Attorney of the petitioners made an application to second respondent requesting to order issue of pattadar passbooks to petitioners, in vain. Hence, present Writ Petition is filed seeking a direction to the respondents to issue pattadar passbooks.

After hearing the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General), this Court is convinced that when once the land is converted as house sites, the A.P.Rights in Land and Pattadar Pass Books Act, 1971 (for short, the Act), has no application. As per Section 2(4) of the Act, the land means, “the land which is used or is capable of being used for the purpose of agriculture, including horticulture, but does not include the land which is used for non-agricultural purpose”. Even according to the petitioners they already converted the land as house sites and sold the plots and therefore the Act has no application. If any direction is issued to issue pattadar pass books and title deeds, it would amount to issuing Mandamus contrary to the relevant law.

The Writ Petition with the above observations is accordingly dismissed.

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24.2.2006 (V.V.S.RAO, J)

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